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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,347	07/02/2003	Hideki Takahashi	008312-0304586	2672
909	7590	12/22/2005		
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER HALEY, JOSEPH R	
			ART UNIT 2653	PAPER NUMBER

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/611,347

Applicant(s)

TAKAHASHI ET AL.

Examiner

Joseph Haley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The Information Disclosure Statements filed on 10/3/04, 7/2/03 and 11/7/03 have been considered by the Examiner. However the Japan and/or other foreign documents if they have not been written in English are considered to the extent that could be understood from the English abstract and the drawings.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3, 6, 12 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation "defect generation state" is not taught anywhere in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirotsune (US 6788642).

In regard to claim 1, Hirotsune teaches an information storage medium comprising: a user area to store user data; a defect management area to store defect information associated with defects on the user area (fig. 4 top sector); and an overwrite management area to store overwrite information associated with an overwrite count for the defect management area (fig. 11 a and b see Number of Entries).

In regard to claim 2, Hirotsune teaches an auxiliary defect management area on which the defect information is replacement-recorded in accordance with the overwrite count indicated by the overwrite information (column 10 lines 18-19 Hirotsune teaches the SDL being re-recorded every time there is a defect up to 4000 times).

In regard to claim 3, Hirotsune teaches an auxiliary defect management area on which the defect information is replacement-recorded in accordance with a defect generation state in the defect management area (column 10 lines 18-19 Hirotsune teaches the SDL being re-recorded every time there is a defect up to 4000 times).

In regard to claim 4, Hirotsune teaches wherein the defect management area includes the overwrite management area (fig. 11(a) and 11(b) see number of entries).

In regard to claim 5, Hirotsune teaches wherein the defect management area includes a plurality of areas used to redundantly store a plurality of pieces of the defect information (fig. 11(a) see registered entries), and the information storage medium comprises a plurality of auxiliary areas used to simultaneously replacement-record the plurality of pieces of defect information stored in the plurality of areas in accordance with the overwrite count indicated by the overwrite information (fig. 11(a) see registered entries. When a new defect comes up the entries get re-recorded until the number of entries equals a certain number).

In regard to claim 6, Hirotsune teaches wherein the defect management area includes a plurality of areas used to redundantly store a plurality of pieces of the defect information (fig. 11(a) see registered entries), and the information storage medium comprises a plurality of auxiliary areas used to simultaneously replacement-record the plurality of pieces of defect information stored in the plurality of areas in accordance with a defect generation state in the defect management area (fig. 11(a) see registered entries. When a new defect comes up the entries get re-recorded until the number of entries equals a certain number).

In regard to claim 7, Hirotsune teaches an information recording apparatus for recording information on an information recording medium, which has a user area to store user data, a defect management area to store defect information associated with defects on the user area (fig. 4 top sector), and an overwrite management area to store

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overwrite information associated with an overwrite count for the defect management area (fig. 11 a and b see Number of Entries), comprising: a recording unit to record the user data, the defect information, and the overwrite information (fig. 2 element 2); and a recording control unit to control the recording unit to record the defect information on the defect management area, and to record the overwrite information on the overwrite management area in correspondence with the recording operation (fig. 2 see microprocessor).

In regard to claim 8, Hirotsune teaches a replacement-recording unit (fig. 2 element 2) to replacement-record the defect information on an auxiliary defect management area in accordance with the overwrite count indicated by the overwrite information (column 10 lines 18-19 Hirotsune teaches the SDL being re-recorded every time there is a defect up to 4000 times).

In regard to claim 9, Hirotsune teaches a replacement-recording unit (fig. 2 element 2) to replacement-record the defect information on an auxiliary defect management area in accordance with a defect generation state on the defect management area (column 10 lines 18-19 Hirotsune teaches the SDL being re-recorded every time there is a defect up to 4000 times).

In regard to claim 10, Hirotsune teaches the recording unit controlled by the recording control unit records the overwrite information on the overwrite management area included in the defect management area (fig. 11(a) and 11(b) see number of entries).

In regard to claim 11, Hirotsune teaches wherein the recording unit controlled

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by the recording control unit redundantly records a plurality of pieces of the defect information on a plurality of areas included in the defect management area (fig. 11(a) see registered entries), and the information recording apparatus comprises a replacement-recording unit to replacement-record the plurality of pieces of defect information recorded on the plurality of areas to a plurality of auxiliary areas in accordance with the overwrite count indicated by the overwrite information (fig. 11(a) see registered entries. When a new defect comes up the entries get re-recorded until the number of entries equals a certain number).

In regard to claim 12, Hirotsune teaches the recording unit controlled by the recording control unit redundantly records a plurality of pieces of the defect information on a plurality of areas included in the defect management area (fig. 11(a) see registered entries), and the information recording apparatus comprises a replacement-recording unit to replacement-record the plurality of pieces of defect information recorded on the plurality of areas to a plurality of auxiliary areas in accordance with a defect generation state on the defect management area (fig. 11(a) see registered entries. When a new defect comes up the entries get re-recorded until the number of entries equals a certain number).

Method claims 13-18 are drawn to the method of using the corresponding apparatus claimed in claims 7-12. Therefore method claims 13-18 correspond to apparatus claims 7-12 and are rejected for the same reasons of anticipation used above.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jrh 


TAN DINH
PRIMARY EXAMINER
12/19/05